

the specification and the Formal Drawings.

It is respectfully submitted that the de minimus nature of the correction to Fig. 2 is such that it can be corrected in the Formal Drawings without previous submission of a Request for Approval of Drawing Corrections. See M.P.E.P. § 608.02(w).

The above-proposed amendment was not submitted earlier because the need for drawing corrections was not discovered until Applicant was proofing the Formal Drawings for submission along with payment of the Issue Fee.

During the final review prior to payment of the Issue Fee, an additional informality in the claim language, i.e., the use of "personal digital assistance" instead of the proper "personal digital assistant," was noted in claims 80, 95, 110, 125, 140, 155, 170, 185, 200, 215, 230, 245, 260, 275, 290, 305, 320, 335, 350, 365, 380, 395, 410, 425, and 441, was noted. Amended claims 80, 95, 110, 125, 140, 155, 170, 185, 200, 215, 230, 245, 260, 275, 290, 305, 320, 335, 350, 365, 380, 395, 410, 425, and 441 correct this noted informality. The attached Appendix A contains copies of all of the amended claims free from brackets and underlining. It is respectfully submitted that none of the amended claims introduce new matter into the application.

Finally, during discussions between one of Applicant's representatives (Robert Westerlund) and S.P.E. Thomas Lee during the week of August 5, 2002, S.P.E. Lee cited, and Applicant received, several loose pages and a document entitled "Retrospect User's Manual." This Manual was the subject of between Applicant's representative, S.P.E. Lee, and Ex. Peyton. Ultimately, it was conceded that the claims of the instant application patentably distinguish over this reference. When the Notice of Allowance dated September 13, 2002, was received, Applicant expected that the Retrospect User's Guide would have

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AMENDMENT UNDER 37 C.F.R. §1.312

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been made of record in the instant application. However, this was not the case.

Attached hereto is a PTO-1449 Form listing the Retrospect User's Manual provided by S.P.E. Lee to Applicant's representative and an Appendix B, which is a duplicate copy of the loose page provided by S.P.E. Lee contemporaneously with the Retrospect User's Manual. The PTO-1449 is attached hereto only to ensure that the Retrospect User's Manual is made of record in the application and not to bring an additional reference to the attention of the U.S. Patent and Trademark Office at this late stage in the proceedings.

It is respectfully submitted that the "Restrospect Software" discussed in the Retrospect User's Manual has already been considered by the U.S. Patent and Trademark Office. For example, the first loose page provided by S.P.E. Lee in August 2002 (Appendix B) is actually page 7 of 11 of the document entitled "TidBITS#125/25-May-92," which is listed as reference "U" on the PTO-892 Form attached to Paper No. 13, i.e., the Notice of Allowability. Thus, the Retrospect Software has already been considered and has been made of record. In addition, during conversations between Applicant's representative and Ex. T. Peyton, it was agreed that the Retrospect User's Guide should have been listed as being of record when the Notice of Allowability was issued on September 13, 2002. In fact, Ex. Peyton suggested that the instant Amendment Under 37 C.F.R. §1.312 would be the proper and most expeditious method of ensuring that the defect in the listing of prior art references was corrected. That being the case, Applicant respectfully requests that an initialed copy of the attached PTO-1449 Form be returned with the paper advising Applicant of the status of the instant Amendment Under 37 C.F.R. §1.312.

It is respectfully submitted that the amendment does not introduce new matter and requires no additional search by the Examiner.

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In view of the above, entry of the requested amendment is thought to be appropriate and is, therefore, respectfully requested.

Respectfully submitted,



Raymond H. J. Powell, Jr.

Reg. No. 34,231

**WESTERLUND & POWELL, P.C.**  
**100 Daingerfield Rd., Suite 100**  
**Alexandria, Virginia 22314-2886**  
**Tel: (703) 706-5862**  
**Fax: (703) 706-5860**

**Attachments:**

1. **Appendix A containing clean copies of claims 80, 95, 110, 125, 140, 155, 170, 185, 200, 215, 230, 245, 260, 275, 290, 305, 320, 335, 350, 365, 380, 395, 410, 425, and 441**
2. **PTO-1449 Form with One (1) attached Reference**
3. **Appendix B - Loose Page provided by S.P.E. Thomas Lee**
4. **Substitute Page 24 of Specification**
5. **Machine Generated Red-line Version of Specification**

Date: October 21, 2002